

Article 3: Recovery of Code Enforcement Penalties and Costs

("Enforcement" added 1-8-1990 by O-17408 N.S.)

(Retitled to "Recovery of Code Enforcement Penalties and Costs" on 8-10-1993 by O-17956 N.S.)

Division 1: Reinspection Fees

("General Offenses" added 1-8-1990 by O-17408 N.S.)

(Retitled to "Reinspection Fees" on 8-10-1993 by O-17956 N.S.)

§13.0101 Reinspection Fees

Division 1 of Article 3 of Chapter 1 governs the general procedures for recovering reinspection fees assessed by City Departments unless provisions of this Code establish a specific reinspection fee procedure.

("Reinspection Fees" renumbered from Sec. 13.0401 and amended 8-10-1993 by O-17956 N.S.)

§13.0102 Declaration of Purpose

- (a) The Council finds there is a need to recover costs incurred by Enforcement Officials and other City personnel who spend considerable time inspecting and reinspecting properties throughout San Diego in an effort to ensure compliance with the Municipal Code or applicable state codes.
- (b) The Council further finds the assessment of a reinspection fee is an appropriate method to recover costs incurred for additional inspections made by City personnel. The assessment and collection of reinspection fees shall not preclude the imposition of any administrative or judicial civil penalties or fines for violations of the Municipal Code or applicable state codes.

(Renumbered from Sec. 13.0402, retitled to "Declaration of Purpose" and amended 8-10-1993 by O-17956 N.S.)

§13.0103 Authorization

- (a) Whenever an Enforcement Official reinspects a property to determine compliance with provisions of the Municipal Code and applicable state codes which have been listed in a Notice of Violation, the Director may assess a reinspection fee against the Responsible Person.

- (b) Reinspection fees may be assessed for each inspection of the property after the issuance of a Notice of Violation.

(Renumbered from Sec. 13.0404, retitled to "Authorization" and amended 8-10-1993 by O-17956 N.S.)

§13.0104 Assessment of Reinspection Fees

A reinspection fee schedule shall be established and revised as necessary by the City Manager in accordance with Council Policy to reflect current costs. The reinspection fee schedule shall be filed in the Rate Book of City Fees and Charges in the City Clerk's office.

(Renumbered from Sec. 13.0406, retitled to "Assessment of Reinspection Fees" and amended 8-10-1993 by O-17956 N.S.)

§13.0105 Notification of Assessment of Reinspection Fees

- (a) Where the assessment of reinspection fees is authorized under this Division, the Director of the appropriate Department shall provide the Responsible Person with a written notice assessing reinspection fees. The written assessment shall contain the following information:
- (1) the amount of fees charged; and
 - (2) the corresponding dates when reinspection took place; and
 - (3) a deadline by which the reinspection fee must be paid; and
 - (4) an explanation that additional late fees may be charged for late payment of the reinspection fee.
- (b) Notification of the reinspection fee assessment shall be provided to the Responsible Person by any of the means outlined in Section 11.0301 of this Code.
- (c) Reinspection fees may be assessed as part of any judicial or administrative enforcement action as provided for in this Chapter.
- (d) Reinspection fees assessed or collected pursuant to this Division shall not be duplicated in any other action to recover these identical costs.
- (e) The failure of any Responsible Person to receive notice of the reinspection fees shall not affect the validity of any fees imposed under this Division.

(Renumbered from Sec. 13.0407, retitled to “Notification of Assessment of Reinspection Fees” and amended 8–10–1993 by O–17956 N.S.)

§13.0106 Failure to Pay Reinspection Fee

The failure of any person to pay an assessed reinspection fee by the deadline specified in the written notice described in Section 13.0105 shall result in the assessment of an additional late fee.

The amount of the late fee shall be established by the City Manager and may be revised as appropriate from time to time.

(“Failure to Pay Reinspection Fee” renumbered from Sec. 13.0408 and amended 8–10–1993 by O–17956 N.S.)

§13.0107 Collection of Reinspection Fee

The Director shall collect the assessed reinspection and late fees by the use of all appropriate legal means, including but not limited to referral to the City Treasurer or recordation of a Code Enforcement Lien pursuant to Division 2 of Article 3 of Chapter 1. If unable to collect the obligation, the Director or City Treasurer may refer the obligation to the City Attorney to file a court action to recover fees and associated collection costs.

(Renumbered from Sec. 13.0409, retitled to “Collection of Reinspection Fee” and amended 8–10–1993 by O–17956 N.S.)